

17B-1-206 Request certification -- Amended request.

- (1) Within 30 days after the filing of a request, the clerk of each county and the clerk or recorder of each municipality with which a request was filed shall:
 - (a) with the assistance of other county or municipal officers from whom the clerk or recorder requests assistance, determine, for the clerk or recorder's respective county or municipality, whether the request complies with the requirements of Subsections 17B-1-204(2) and 17B-1-205(1); and
 - (b)
 - (i) if the clerk or recorder determines that the request complies with the requirements:
 - (A) certify the request and deliver it to the legislative body of the county or municipality, as the case may be; and
 - (B) mail or deliver written notification of the certification to the contact sponsor; or
 - (ii) if the clerk or recorder determines that the request fails to comply with any of the applicable requirements, reject the request and notify the contact sponsor in writing of the rejection and the reasons for the rejection.
- (2) If the clerk or recorder fails to certify or reject a request within 30 days after its filing, the request shall be considered to be certified.
- (3) Each county clerk or municipal clerk or recorder shall certify or reject requests in the order in which they are filed.
- (4)
 - (a) If the county clerk or municipal clerk or recorder rejects a request under Subsection (1)(b)(ii), the request may be amended to correct the deficiencies for which it was rejected and then refiled.
 - (b) A valid signature on a request that was rejected under Subsection (1)(b)(ii) may be used toward fulfilling the applicable signature requirement of the request as amended under Subsection (4)(a).
- (5) Each county clerk and municipal clerk or recorder shall act in good faith in making the determinations under this section.

Renumbered and Amended by Chapter 329, 2007 General Session